UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,480	12/07/2000	William C.Y. Lee	G&C 139.146-US-U1	2461

				EXAMINER
22462	7590	11/01/2005		TSEGAYE, SABA

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ART UNIT	PAPER NUMBER
2662	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 August 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This Office Action is in response to the amendment filed on 08/19/05. Claims 1-24 are

pending. Currently no claims are in condition for allowance.

Claim Rejections - 35 USC § 102

2.   Claims 17-19 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by

Palermo (US 6,181,734).

Regarding claims 17 and 21, Palermo discloses, in Figs. 4, 8 and 9, a method for

tunneling voice data over one or more networks (column 1, lines 4-7), comprising;

loading one of a plurality of vocoders into a processor (403) of a called party's handset

(receiver, see abstract; column 1, lines 4-14), wherein the loaded vocoder is selected based on a

particular type of network   communicating with a calling party's handset (transmitter, see

abstract) (column 1, lines 56-63; column 5, lines 38-49); and

executing the loaded vocoder in the processor of the called party's handset, wherein the

vocoder translates voice data communicated to the called party's handset from the calling party's

handset (column 5, line 56-column 6, line 11; column 7, lines 5-20).

Regarding claims 18 and 22, Palermo discloses the method wherein the voice data is

tunneled from the calling party's handset and the calling party's network, through any number of

different networks (column 1, lines 4-7), to the called party's network and called party's handset,

without any vocoding conversions except at the handset (column 4, line 50-column 5, line 12).

Regarding claims 19 and 23, Palermo discloses, in Fig 8, the method wherein the vocoder

(819) is stored a component of the handset and is loaded into the processor from the component

(column 5, lines 31-51).

Claim Rejections - 35 USC § 103

3.   Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sieppi (US

6,577,637) in view of Palermo.

Regarding claims 1, 3, 5, 7, 9, 11, 13 and 15, Sieppi discloses a method for tunneling

voice data over one or ore networks, comprising: sending a call set-up message from the first or

second subscriber station to a switching means of the mobile radio communication network to

setup a call between the first and second subscriber stations; determining on the basis of the call

setup message whether the second subscriber station is of a type also comprising an audio data

encoding/decoding means and setting up a call between the first and second subscriber station..

Further, Sieppi discloses that if the second subscriber station is not capable of performing the

speech encoding decoding then the subscriber station type determining means switches on an

audio data encoding/decoding means in a base station controller.

However, Sieppi does not expressly disclose loading a software-defined vocoder into the

called party.

Palermo teaches loading one of a plurality of software-defined vocoders into the called

party (column 3, lines 60-64; column 5, line 26-column 6, line 11). Further, Palermo teaches that

a radio user or operator selects stored waveform on demand as communications requirement

dictate.

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teachings from Palermo of loading a software defined vocoder to the second subscriber station disclosed by Sieppi.

One of ordinary skill in the art would have been motivated to do this because loading a software vocoder into the called party avoids deterioration of the speech quality due to performing unnecessary audio data encoding/decoding and to provide a radio which is useable as a generic radio platform with existing vocoders and yet to be developed vocoders.

Regarding claims 2, 6, 10 and 14, Sieppi discloses the method wherein the voice data is tunneled from the calling party's handset and the calling party's network, through any number of different networks, to the called party's network and called party's handset, without any vocoding conversions except at the handset (column 5, line 65-column 6 line 24).

Regarding claims 4, 8, 12 and 16, Sieppi discloses the method wherein the notification is transmitted during call setup (column 5, line 65-column 6 line 24).

4.   Claims 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palermo in view of Hsu.

Palermo discloses all the claim limitations as stated above except for vocoder is downloaded from a network component into a processor of the handset.

Hsu teaches that a vocoder in the handset may be updated from a web site.

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teachings from Hsu of loading a software-defined vocoder from the network component to the handset disclosed by Palermo.

One of ordinary skill in the art would have been motivated to do this because loading a software vocoder from the network into the called party provides minimal modification to existing digital wireless telephone system infrastructure components, including digital telephones (column 3, lines 60-62).

Response to Arguments

Applicant's arguments filed 08/19/05 have been fully considered but they are not persuasive. Applicant argues (Remarks, page 11) that Palermo does not suggest loading one of a plurality of vocoders into a processor of a called party's handset based on a particular type of vocoder used with a calling party's handset. The Palermo reference clearly discloses that commercial and military **radios** need to **communicate** or could having the **capability of communicating** with **two or more radio networks**, each of which is of **a different type** (communication between a transmitter and a receiver that can be read as a **called party** and a **calling party (see** column 1 lines 4-7). All processing of the information between reception and reproduction of speech and reception and transmission of radio frequency signal respectively is preformed in software. Further, Palermo discloses that the operation of the system of Fig. 8 is the same whether operating as receiver, transmitter or transceiver. The user or the operator selects (for example at a receiver) the waveform or waveforms that are to be used. In addition the operator or the user may switch from one waveform mode to another to communicate over

different radio networks (a particular type of network (see column 1, line 55-column 2, line 8)). The same vocoder that is used at the transmitter has to be used at the receiver or the network will not work.

Further, the Applicant argues that Seippi does not teach transmitting a notification to a called party's network that a calling party's handset is calling from a particular type of network and switching of a plurality of vocoders in the handset or any loading of a selected vocoder for execution in the handset. Examiner respectfully disagrees. It is respectfully submitted that the rejection is based on the combined teaching of the Seippi and Palermo references. Seippi teaches sending a call set-up message to setup a call between the first and second subscriber station and determining the type of network of the second station based on the call setup message. Palermo teaches selection or switching of a plurality of vocoders in the handset, as stated above, to match the vocoder used at the transmitter, so that the same vocoder is used at both the transmitter (calling) and receiver (called).

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37
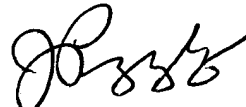
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST
October 18, 2005

JOHN PEZZLO
PRIMARY EXAMINER